Appl. No. 10/656,858   <u>PATENT</u>
Amdt. dated June 26, 2006
Reply to Office Action of March 6, 2006

<u>REMARKS/ARGUMENTS</u>

This Amendment is responsive to the Office Action mailed on March 6, 2006.

In this Amendment, claims 1, 20, and 39 are amended to incorporate the limitations in dependent claims 15, 34, and 53, respectively.

Claims 13, 18, 32, 37, and 56 are amended so that they are in independent form. The amendments to the present independent claims 1, 15, 20, 34, 39, and 53 do not raise new issues requiring further search and/or consideration, since these claims are the same as previously presented claims 15, 13, 18, 34, 32, 37, 53, and 56.

Claims 3, 15, 29, 34, 41, and 53 are canceled, so that claims 1-2, 4-14, 16-28, 30-33, 35-40, 42-52, and 54-57 are pending and subject to examination.

35 USC 102 - Carlisle et al.

At page 2 of the Office Action, claims 1-8, 12-17, 19-27, 31-36, 38-46, and 50-55, and 57 are rejected over Carlisle et al. (U.S. Patent No. 5,649,118). This rejection is traversed.

Obviousness has not been established, since Carlisle et al. does not teach each and every limitation of the claims. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). MPEP 2143.03. Here, Carlisle et al. does not teach or suggest a system comprising, *inter alia*,

> one or more attributes associated with [a] cell group <u>permit a first application to access that cell group after a first access condition is satisfied</u>; wherein the one or more attributes associated with the cell group <u>permit a second application to access that cell group after a second access condition is satisfied</u>; and <u>wherein the first access condition is different from the second access condition</u>

as recited in independent claim 1. Independent claims 13, 20, 32 and 39 recite a similar limitation. As noted, in independent claim 1, a "first application" is accessing a cell group, and a "second application" is accessing <u>that same cell group</u> under "different access conditions".

This is not taught or suggested by Carlisle et al. In the Office Action, the Examiner refers to column 5, lines 20-30, and FIG. 2 as disclosing "one or more attributes associated with a cell [that] are used to control access to that cell by the plurality of applications". See page 3 of the Office Action. FIG. 2 just shows a tree structure of a smart card operating system and does not teach or suggest accessing cell groups with different applications. The passage at column 5, lines 20-30 of Carlise et al. also do not teach or suggest this limitation. This passage is reproduced below:

> Multi-user capability is provided by allowing Root to create a subdirectory below the root directory (or a subdirectory below root) and to assign ownership of that subdirectory to another user. Root can then install a password for that user in the "passwd" file and allow the user to enter the system at that subdirectory file when that user presents his/her password. The user has the ability to modify his/her own password, but only through a command provided by the operating system. That password resides in the system only in encrypted form and only in the "passwd" file. This architecture is depicted in FIG. 1.

Although this passage from Carlisle et al. states that different users may use the same smart card it states that each user accesses his/her own subdirectory with his/her own password. In Carlisle et al., it is clear that the same access condition (i.e., a single password) is used access subdirectory files. Two different applications by two different types of users cannot access a single subdirectory in Carlise et al., because each user has his/her own password. Put another way, in Carlisle et al., each user has his/her own storage space and the different users do not access the same storage space.

At page 7 of the Office Action, the Examiner further cites the passage at column 16, lines 65-67 and column 17, lines 1-19 of Carlisle et al. in support of the rejection of dependent claims 15, 34, and 53. The passage at column 16, lines 65-67 and column 17, lines 1-19 is reproduced below:

Cooperation Between Service Providers

It is quite possible for service providers to form cooperative alliances. Such alliances can specify various activities which are carried out in the smart cards whenever the smart card is accessed, or when the smart card is accessed by a particular user. The number of such possibilities is limitless, and the example below is merely illustrative.

Assume, for example, that company A employs traveling salespeople who frequently need to purchase gasoline. A is likely to contract with O to issue a smart card for each of the salespeople (Holders) and request O to install A as a service provider and G as the gasoline provider. Sometime later, A may reach an agreement with bank B as a Provider of credit for the salespeople. That service can be remotely installed into all of the smart cards belonging to the salespeople by, for example, obtaining the cooperation of G.

Specifically, A can request G to install a request for communication with O whenever a smart card interacts with G and found to have A as a user but not B as a user. All that G needs to do is modify the file that is executed when H logs in to communicate with G and direct the smart card to call O.

Contrary to the Examiner's rejection, this passage says nothing about allowing attributes to permit a first set of operations on the contents of a cell by a first application and a second set of operations on the contents of that same cell using different access conditions, wherein the first and second sets of operations are different. Column 16, line 65 to column 17, line 19 merely discusses how different entities associated with a card can be contacted, and says nothing about how data is accessed within the smart card. Thus, Carlisle et al. fails to render the claims obvious, since Carlisle et al. does not teach or suggest "one or more attributes associated with [a] cell group [that] permit a first application to access that cell group after a first access condition is satisfied; [and] wherein the one or more attributes associated with the cell group permit a second application to access that cell group after a second access condition is satisfied; and wherein the first access condition is different from the second access condition".

In fact, Carlisle et al. teaches away from this feature since there is only one password associated with each user subdirectory in Carlisle et al., and it would be contrary to the

intended purpose of Carlisle et al. to modify it to arrive at the present claims. If proposed

modification would render the prior art invention being modified unsatisfactory for its intended

purpose, then there is no suggestion or motivation to make the proposed modification. *In re*

Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). MPEP 2143.01. Here, if one were to

modify Carlisle et al. to allow different users to access the same subdirectories, the data in the

subdirectories would be comprised. Accordingly, there is no motivation to modify Carlise to

arrive at the present claims.

In view of the above arguments, Carlise et al. fails to anticipate or obviate

independent claims 1, 13, 20, 32, and 39, and any claims dependent thereon.

35 USC 103 - Carlisle et al. and Deo et al.

Claims 9-11, 28-30, and 47-49 are rejected as being obvious over Carlisle et al.

and Deo et al. (U.S. Patent No. 6,970,891). This rejection is traversed.

Deo et al. is cited to address the limitations in dependent claims 9-11, 28-30, and

47-49, and does not address the deficiencies of Carlisle et al. noted above.

35 USC 103 - Carlise et al. and Wentker et al.

Claims 18, 37, and 56 are rejected as being obvious over Carlisle et al., and

Wentker et al. (U.S. Patent No. 6,481,632). This rejection is traversed.

Wentker et al. cannot be used to render claims 18, 37, and 56 obvious. Wentker

et al. was published on November 19, 2002, which is after the effective filing date of the present

application, which is October 7, 2002, and would only be prior art under 35 U.S.C. 102(e), if at

all. Wentker et al. and the present application were owned by the same assignee as the assignee

of the present application, Visa International Service Association, at the time of the invention. In

this regard, the attorney of record states: "This application and U.S. Patent No. 6,481,632 were,

at the time invention of the present application was made, owned by Visa International Service

Association." Evidence in support of this statement is attached. The evidence includes print-

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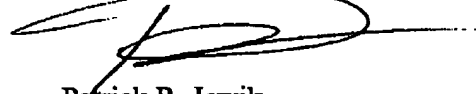Amdt. dated June 26, 2006
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outs of the assignment records corresponding to U.S. Patent No. 6,481,632 and the present

application. The rejection based on Carlisle et al. and Wentker et al. is clearly improper.

<h2 style="text-align:center">CONCLUSION</h2>

In view of the foregoing, Applicants believe all claims now pending in this

Application are in condition for allowance. If the Examiner believes a telephone conference

would expedite prosecution of this application, please telephone the undersigned at 415-576-

0200.

Respectfully submitted,

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